

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AETNA LIFE INSURANCE COMPANY,

Plaintiff,

v.

HUNTINGDON VALLEY SURGERY CENTER,  
et al.,

Defendants.

CIVIL ACTION

No. 13-03101

**ORDER**

YOHN, J.

AND NOW, this 15<sup>th</sup> day of September, 2015, upon consideration of Foundation Surgery Affiliates, LLC's motion for summary judgment (Doc. 127), Foundation Surgery Management, LLC's motion for summary judgment (Doc. 128), Aetna Life Insurance Company's response thereto, the Foundation Defendants' reply thereto, Aetna's sur-reply thereto, as well as Aetna's motion for partial summary judgment (Doc. 126), Foundation Surgery Management, LLC's response thereto, and Aetna's reply thereto, **IT IS HEREBY ORDERED** that:

1. Defendant Foundation Surgery Affiliates, LLC's motion is **GRANTED** and judgment is entered in its favor and against plaintiff Aetna Life Insurance Company on plaintiff's kickbacks in violation of 18 Pa. Cons. Stat. Ann. § 4117(b)(2), aiding and abetting insurance fraud, equitable relief, and equitable accounting claims (Counts I, IV, VIII, IX).
2. Defendant Foundation Surgery Management, LLC's motion is **GRANTED** and judgment is entered in its favor and against plaintiff Aetna Life Insurance Company on plaintiff's kickbacks in violation of 18 Pa. Cons. Stat. Ann. § 4117(b)(2), insurance fraud in violation of 18 Pa. Cons. Stat. Ann. § 4117(a)(2), aiding and abetting insurance fraud, equitable relief, and equitable accounting claims (Counts I, III, IV, VIII, IX).

3. Defendant Foundation Surgery Affiliates, LLC's motion is **DENIED** as to plaintiff's civil conspiracy and tortious interference with contract claims (Counts II and V).
4. Defendant Foundation Surgery Management, LLC's motion is **DENIED** as to plaintiff's civil conspiracy and tortious interference with contract claims (Counts II and V).
5. Plaintiff Aetna Life Insurance Company's motion is **DENIED** as to its insurance fraud claim (Count III).
6. A pre-trial hearing as to whether there is personal jurisdiction over defendant Foundation Surgery Affiliates, LLC will be scheduled by the court.

s/William H. Yohn Jr.

William H. Yohn Jr., Judge